**THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION NO. 4671 of 2004**

**DATED: 25.07.2007**

Between:-

Sri M. Madhusudan Reddy s/o Shankar Reddy, aged about 37 years, occ: Business, Resident of Patha Cuddapah, Cuddapah Rural, Cuddapah.

…PETITIONER

And

The State of Andhra Pradesh, represented by the Collector, Cuddapah District, Cuddapah and two others.

…RESPONDENTS

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**O R D E R**

Heard Sri S. Srinivas, learned counsel for the petitioner and Sri T.Pradyumna Kumar Reddy, learned counsel for the 3rd respondent.

Questioning the action of respondents 1 and 2 in interfering with the petitioner's business of quarrying sand in Gurrampadu village area leased out to the petitioner by the orders of the 1st respondent dated 27.12.2003 and 05-01-2004 as arbitrary and illegal, the lessee has filed this writ petition.

Originally the lease granted to the petitioner for quarrying sand was for one year from 01-05-2000 to 30.04.2001. Even prior to expiry of this 12 month period the petitioner was given extension of the lease for another year on 10.04.2001 subject to the payment of 10% enhanced amount. However, he was permitted to quarry sand only for five months and for the remaining 7 months period in the second year of lease the petitioner was not permitted to quarry sand. After repeated representations the 1st respondent issued orders dated 27-12-2004 permitting him to quarry for the balance period of 7 months.

While matters stood thus, an inspection seems to have been carried out on 31.12.2003 and, by order dated 05-01-2004, the District Collector is said to have issued orders permitting the petitioner to lift sand from Gurrampadu village only in accordance with the conditions imposed in proceedings dated 27.12.2003. In the same proceedings, the District Collector issued orders de-notifying and stopping sand mining near Gandi Water Works, falling within the same Gram Panchayat, under Rule 9-V of the Rules issued in G.O.Ms. No. 1 dated 01.01.2001. The petitioner's grievance is that he was precluded from quarrying sand beyond the limits of Gandi Water Works as a result of the failure of the 2nd respondent to issue way bills for transporting sand. According to the petitioner, even though the order of the District Collector dated 05-01-2004 enabled him to quarry sand in areas other than those proximate to Gandi Water Works, he could not carry on quarrying operations since non-supply of way bills had resulted in his not being able to transport the sand quarried.

Sri S. Srinivas, learned counsel, would submit that, since the action of the 2nd respondent in not issuing way bills had resulted in his not being able to quarry and transport sand, the petitioner should be permitted to quarry sand for the remaining period of 7 months and the respondents directed to issue way bills to enable him to transport the sand quarried by him, more so as he has paid the entire lease amount of nearly a lakh of rupees.

This Court, by order in W.P.M.P. No. 6119 of 2004 dated 12.3.2004, had directed the 2nd respondent to issue way bills/permits if the petitioner was quarrying sand 50 meters away from Gandi Water Works and subject to the conditions of the order of the District Collector dated 05.01.2004. However the interim order was vacated by order dated 31.08.2004 in W.V.M.P.No. 1129 of 2004.

It is not for this Court in proceedings under Article 226 of the Constitution of India to grant or renew the lease for quarrying sand in favour of the petitioner herein. Nearly three years have elapsed, since the interim order was vacated by this Court on 31.8.2004. As to what the present situation is not known. In any event these are all matters for the authorities to examine and not for this Court to determine. Ends of justice would be met if the petitioner is permitted to submit a representation and the 1st respondent is directed to consider the same in accordance with law.

Sri S. Srinivas, learned counsel for the petitioner, would submit that a representation would be made by the petitioner within three weeks from the date of receipt of a copy of this order. The District Collector (1st respondent) shall consider the same and pass appropriate orders in accordance with law within three months from the date of receipt of the representation from the petitioner.

The writ petition is, accordingly, disposed of. No costs.

RAMESH RANGANATHAN, J

Dated: 25.07.2007
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